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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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EXAMINER

BROWN, RUEBEN M

ART UNIT

PAPER NUMBER

2623

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DELIVERY MODE

10/03/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Application No. 09/955,180 | Applicant(s) MIYAJIMA ET AL. | |
| | Examiner REUBEN M. BROWN | Art Unit 2623 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-44 are rejected under 35 U.S.C. 102(e) as being anticipated by Nakayama, (US PG-PUB 2003/00161370).

Considering claim 1, the claimed video distribution system that distributes video data to a user terminal that can connect to a network, comprising;

'a distribution list generating device that generates a distribution list that defines a distribution order of the video data of the user terminal and includes a link name that links video

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data as a distribution request destination’, reads on the streaming server 22 of Nakayama that sends out requested audio/video clips 42a-42c. The claimed *‘distribution order’* reads on the example of the sequential order of claims 42a, 42b, 42c; Para [0058] & Fig. 4. The claimed *‘link name that links video data’*, reads on the HTML address for each file, such as for instance URL = <http://fujisan.gsan.gmsnet.or.jp/hylink/kanda.htmlu>, disclosed in Fig. 4 & Para [0051].

‘link list generating device that generates a link list that is a correspondence list between the link name and a video data file name corresponding to the link name’, reads on the server 21 that creates and maintains the Document base directory names and the Management Files Name List Files, which is the list of management information for the list of files stored at the database, Para [0064-0068] & Figs. 7-8. The claimed, *‘video data file name’*, corresponds with the file name shown as the last two terms after the backslash in the URL, for instance, *kanda.htmlu* is the file name in the above URL.

The additionally claimed feature, *‘and stores the link list into the video distribution system’*, is broad enough to read on above passage of Para [0064-0068].

‘link list updating device that updates the video data file name corresponding to the link name in the instant link list to another video data file name depending on distribution condition, wherein the video data is distributed based on the link list’ reads on the disclosure in Nakayama of changing, i.e., updating the file names of certain files stored at the server 21, at least based on

the congestion of the distribution system which reads on the claimed, 'depending on distribution condition', see [0006-0009 & 0112-0114]

Considering claims 2, 9 & 12 *'wherein, in the case in which the video data is associated with distribution condition information that includes as the distribution condition information at least one of, 'time and duration information', 'area information that designates the distribution area', 'cumulative distribution number information that limits the cumulative number of distributions' and 'attribute information about the user',* is met by the discussion of Nakayama that many large files are being transmitted, the situation may cause an overloading of lines, which may be solved by caching contents on different medium at the server or locally or with the client, Para [0006-0009].

Considering claims 3-5, the claimed subject matter reads on the discussion in Nakayama [0055-0059] that the video data file names are updated.

Considering claim 6, the claimed, *'updating device updating the video data file by referring to the priority order list that determines priority order in the distribution of the video data',* again reads on the sequential order of video clips shown in Fig. 4; 42a, 42b, 42c.

Considering claims 7-8 & 10, the claimed video distribution system that distributes video data user terminal comprises features that correspond with subject matter mentioned above in the rejection of claim 1 and is likewise treated.

Considering claims 11 & 13, the claimed computer-readable medium encoded with a computer program that comprise that which correspond with subject matter mentioned above in the rejection of claims 1 & 7-8, and are likewise treated. As for the claimed computer readable medium, Nakayama meets the limitation.

Considering claims 14, 19, 24, 29, 34 & 39, again, the claimed subject matter reads on the disclosure Nakayama of the sequential order of audio/video clips 42a,42b,42c, see col. 19, lines 31-65; col. 20, lines 16-52.

Considering claims 15, 20, 25; 30, 35 & 40, the claimed '*obtains a distribution state*', reads on the version number & super version number, which are used by the proxy server 13 and file server 20 to keep track of which files have been updated, Para [0085 & 0101]. And '*updating the video data file name corresponding to the link name to the other video data file name in accordance with the distribution state thus obtained and distribution conditions*', reads on the updated version of the content, as discussed in the analysis of claims 14, 19, 24 & 29.

Considering claims 16, 21, 26 & 31, the claimed subject matter reads on Para [0096-0099].

Considering claims 17, 22, 27, 32, 36, 37, 41 & 42, the claimed subject matter reads on the Management File Name List Files, discussed in Nakayama [0067-0068].

Considering claims 18, 23, 28, 33, 38 & 43, the claimed subject matter reads on the discussion in Nakayama of updating the files, in local proxy server 13 with the names of the files in the distribution server 21, using the Management File Name List Files, [0062-0068].

Considering claim 44, since Nakayama is an interactive system, the claimed subject matter reads on any particular user choosing a particular path, according to the selections, Therefore, the updates associated with the content of a particular user, would necessarily be different from a user that chose a different path of selections.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A) Yoneda Teaches a system that updates file names, except that the version with updated file name is stored in a back-up directory that cannot be accessed by regular users.

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Any response to this action should be mailed to:

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or faxed to:

(571) 273-8300, (for formal communications intended for entry)

Or:

(571) 273-7290 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reuben M. Brown whose telephone number is (571) 272-7290. The examiner can normally be reached on M-F(8:30-6:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (571) 272-7331. The fax phone numbers for the organization where this application or proceeding is assigned is (571) 273-8300 for regular communications and After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Reuben M. Brown/
Patent Examiner, Art Unit 2623